

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

IN RE: DIGITEK	)	MDL NO. 1968
PRODUCTS LIABILITY LITIGATION	)	
	)	
	)	<b>PRAYER FOR RELIEF TO FILE</b>
	)	<b>APPLICATION FOR PSC AFTER</b>
	)	<b>OCTOBER 20, 2008 AND</b>
<b>THIS DOCUMENT RELATES TO</b>	)	<b>APPLICATION OF JAMES J.</b>
<b>ALL CASES</b>	)	<b>PETTIT FOR APPOINTMENT</b>
	)	<b>TO THE PLAINTIFFS' STEERING</b>
	)	<b>COMMITTEE</b>

**I. PRAYER FOR RELIEF TO FILE AN APPLICATION FOR PSC**

The undersigned, James J. Pettit, of Locks Law Firm, LLC, respectfully requests this Honorable Court grant petitioner's prayer for relief and consider the application of the undersigned for Plaintiffs' Steering Committee submitted after the application deadline set by this Court in Pre-Trial Order # 2.

Due to the manner in which Digitek<sup>®</sup> litigation has progressed in the State of New Jersey, as well as in West Virginia, it has become clear to Mr. Pettit that it would be in the interests of his clients, as well as the plaintiffs in other cases, for Mr. Pettit to be a member of the Plaintiffs' Steering Committee. The coordination of discovery and other issues between state court proceedings in New Jersey and MDL orders and proceedings will inure to the benefit of plaintiffs in both venues.

Mr. Pettit has one (1) class action complaint in MDL 1968; namely, Palladino v. Actavis Totowa, Inc., 2:08-cv-1175. This is a New Jersey state-wide (not national) class action filed initially in state court in New Jersey. It was removed by defendants and ultimately it was transferred to the MDL. It was transferred on or about October 10, 2008, ten (10) days before the deadline for application for PSC membership.

Mr. Pettit has filed a number of Digitek® personal injury cases in state court in New Jersey.

## **II. APPLICATION OF JAMES J. PETTIT FOR APPOINTMENT TO THE PSC**

Mr. Pettit brings to this case his complex products liability pre-trial and trial experience, an ability to work well with other lawyers in mass tort litigation, the resources of a well-respected firm, and the availability to commit to this time-consuming litigation. Mr. Pettit is working very closely with the attorneys who filed Digitek® cases in New Jersey and, along with them, has met with the defense attorneys.

Mr. Pettit understands the importance of coordination between state court cases and MDL litigation and fully intends to proceed in that fashion. Further, his ability to readily access New Jersey facilities should prove helpful in developing discovery about the Actavis plant and the Digitek® distributorships and pharmacies in New Jersey.

Mr. Pettit's experience includes an appointment in 2007 as lead counsel for plaintiffs in a class action involving children exposed to mercury (Adair v. Jim Sullivan, Inc. et. al; a/k/a Kiddie Kollege Daycare litigation). He was formally named by the Mass Tort Court in 2001 as New Jersey state-wide Liaison Counsel for In Re: PPA Litigation. Mr. Pettit was co-chair of the state-wide discovery committee for In Re: Propulsid Litigation. In 1999, Mr. Pettit was co-lead trial counsel in Vadino v. American Home Products Corp., the New Jersey state-wide diet drug (Fen-Phen) class action jury trial. He has handled asbestos mass tort litigation in four (4) states (federal and state court) since 1980. As Managing Partner of Locks Law Firm's New Jersey office, Mr. Pettit can assure this Court that appropriate staffing will be provided to ensure proper pursuit of this litigation. Mr. Pettit has the time and energy available for this appointment.

Mr. Pettit is a 1973 graduate of Temple University located in Philadelphia, Pennsylvania.

Mr. Pettit received his law degree in 1980 from Loyola Law School in Los Angeles, California. His bar admissions include California, Pennsylvania and New Jersey and he is in good standing in all of these states. He is admitted in the following federal courts: Central District, California; Eastern District, Pennsylvania; District of New Jersey; Third Circuit Court of Appeals; Ninth Circuit Court of Appeals; United States Supreme Court.

Mr. Pettit's education, experience, and his appointments demonstrate his ability to work cooperatively with other lawyers, and his ability to handle the work required by this Court to prosecute the Digitek<sup>®</sup> litigation.

**WHEREFORE**, the undersigned requests this Court's consideration for the Plaintiffs' Steering Committee.

Dated: February 20, 2009

s/ James J. Pettit  
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